



DEPARTMENT OF HOUSING & COMMUNITY AFFAIRS (DHCA)  
AND THE  
DEPARTMENT OF PERMITTING SERVICES (DPS)



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# *A Guide to* **CODE ENFORCEMENT**

Code enforcement in DHCA and DPS is generally initiated through complaints. This means that both agencies rely on citizens to identify and report possible code violations.

This guide explains how to file a complaint. The guide covers the following:

- ✓ Accessory Apartments
- ✓ Accumulations of Solid Waste
- ✓ Building/Electrical Work Without Permit
- ✓ Grass and Weeds in Excess of 12"
- ✓ Deteriorated Structures
- ✓ Public Nuisance
- ✓ Signs
- ✓ Storing of Inoperable and Unlicensed Vehicles on Residential Property
- ✓ Sediment Control Violations
- ✓ Zoning Violations:
  - Illegal Uses/Activities
  - Occupancy Limits
  - Right of Way



# The Department of Housing & Community Affairs

*One of the Department of Housing and Community Affairs' most important responsibilities is the preservation and improvement of housing and property standards through the enforcement of the Montgomery County Code, Chapter 26, Housing and Building Maintenance Standards, Chapter 48, Solid Waste and Chapter 58, Weeds. To report any of the following conditions, call 240-777-3785.*

**ACCESSORY APARTMENTS** – An accessory apartment is a private, self-contained living area within an existing dwelling or within a subordinate building on the property. A Special Exception from the Montgomery County Board of Appeals is required before an accessory apartment can be constructed in a residential area. Accessory apartments are inspected annually for continued compliance with the requirements for the Special Exception and for life, safety and health issues.

**ACCUMULATIONS OF SOLID WASTE** – Examples of solid waste are: garbage, medical waste, debris from building construction, ashes, junk, dead animals, dead or felled trees, uprooted tree stumps, tree limbs, bushes, plants, leaves, grass, garden trimmings, abandoned vehicles, machinery, bottles, cans, waste paper, cardboard, boxes, containers, tires, appliances, furniture, automobiles, trucks and recreational equipment, any or all of which is in a state of disrepair or are not operational.

**GRASS AND WEEDS IN EXCESS OF 12"** – Generalized growth of any weed or any generalized plant growth more than 12" high within 15' of any property boundary is not permitted. Generalized plant growth does not include trees, ornamental shrubs, flowers or garden vegetables.

**DETERIORATED STRUCTURES** – Examples of deterioration are: gutters and downspouts that are loose or leaking; flaking and/or peeling paint on exterior wood trim; missing or dilapidated roof shingles, missing or damaged siding, cracked and chipped concrete walkways or steps.

**PUBLIC NUISANCE** – Examples of public nuisances are:

- Vacant and unsecured buildings, unprotected or abandoned wells, open shafts, open basements, excavations, unsafe fences, unsafe stairways, and unsafe steps;
- Structures which are unsanitary, littered with rubbish or garbage, used for outdoor storage or abandonment of appliances [for more than two (2) days], or equipment, which poses a threat of injury or danger to life;
- Severely deteriorated, dilapidated, structurally unsafe, or fire-damaged buildings or dwellings;
- Sanitary sewage and plumbing facilities that are not functioning properly;
- Any condition that results in substantial damage to another property;
- Any condition that is unsafe, dangerous, or unhealthful to occupants, neighbors, employees, or visitors, guests, and tradesmen.

**STORING OF INOPERABLE AND UNLICENSED VEHICLES ON RESIDENTIAL PROPERTY** – It is unlawful to store dysfunctional motor vehicles for more than 30 days or unregistered vehicles for more than 90 days on private property. Nonfunctional motor vehicles are considered solid waste and must be removed or repaired within 30 days. Unregistered vehicles are functional vehicles that are not registered in any state or jurisdiction. Vehicle owners have 90 days to register or remove the vehicle. To report a non-functional, abandoned vehicle or unregistered vehicle on **private property** contact DHCA at 240-777-3785.

To report a non-functional, abandoned vehicle on a **public road or right-of-way**, contact the Police Department's Abandoned Auto Unit at 301-840-2454.

# The Department of Permitting Services

*The Department of Permitting Services is responsible for providing the highest quality of public service in the area of licenses and permits while ensuring compliance with Montgomery County's development and construction standards, as required by the Montgomery County Code, Chapter 8, Building Codes, Chapter 17, Electrical Code and Chapter 59, Zoning.*

**BUILDING/ELECTRICAL WORK WITHOUT PERMIT** – Building permits are required for all new construction and additions to existing structures. Other projects requiring a permit include: bay windows, garages, sun rooms, decks and dormers; alterations, such as kitchen or bathroom remodeling, finishing an attic or basement, or reconfiguring a floor plan; minor structural repairs or replacement; and fence, retaining wall, shed and pool construction.

An **Electrical Permit** is required for work that involves installing, repairing, or maintaining any electrical wiring or device designed for conducting, consuming or converting electrical current.

An **Historic Area Work Permit** is required for any work that changes the exterior features of any historic site or any historic building located within any Historic District, or designated in the Historic Atlas as an historic site.

If you suspect that work is being performed without a building, electrical or historic area work permit, contact DPS at 240-777-6259.

**RIGHT OF WAY** – Right of way violations typically involve non-standard driveway aprons, illegal curb cuts, and construction debris and utility company construction in the right of way. To report suspected right of way violations, contact DPS at 240-777-6289.

**SIGNS** – There are three types of signs permitted in Montgomery County: permanent, limited duration and temporary. All signs are regulated by their type, the general zoning classification where they are located and their size and placement on the property.

A sign permit is required for any permanent sign posted on private property for more than 30 days and any limited duration sign posted on private property or in the public right-of-way. Temporary signs are permitted only on private property and must not be displayed for more than 30 days.

Certain signs are prohibited. Examples include: roof signs, obstructive signs, unsafe signs, signs that move (banners, pennants, streamers, balloons, etc.), signs attached to traffic devices or utility poles, and signs placed unlawfully in the public right-of-way.

To report any suspected illegal signs, contact DPS at 240-777-6259.

**SEDIMENT CONTROL VIOLATIONS** – Sediment control complaints typically involve construction and earth moving activities. Normally, these complaints involve concerns of grading without proper permits or sediment run-off onto private property, streams, public roads and right-of-ways. Telephone Number, 240-777-6289.

**ZONING VIOLATIONS (Illegal Uses/Activities & Occupancy Limits)** – Zoning complaints typically involve allegations of improper uses/activities in residential, business, and other zones and violations of building restrictions such as setbacks, lot coverage, and height limits. In addition, the Zoning Ordinance restricts the number of unrelated persons who may reside in a residential dwelling. To report suspected zoning violations, contact DPS at (240) 777-6259.

# HOW TO REPORT A COMPLAINT

## DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

When you contact DHCA, and are connected to the Housing Code Office (240-777-3785), please provide the following information:

- ✓ Your name, address and phone number (not required; anonymous complaints are accepted).
- ✓ The address and/or location of the property where you have observed a possible code violation.
- ✓ The property owners' or occupants' names, if known.

You may also submit this information in writing.

IF YOU WISH TO HAVE YOUR NAME AND PERSONAL INFORMATION REMAIN CONFIDENTIAL, PLEASE CLEARLY STATE THIS REQUEST DURING YOUR TELEPHONE CALL TO DHCA OR IN YOUR WRITTEN COMPLAINT.

**What Happens Next?** You will receive notification identifying the Inspector assigned to investigate your complaint. This will allow you to follow the progress of the investigation.

If violations are found, a Notice of Violation will be mailed to the property owner requiring compliance by a certain date. A Notice may also be posted on the site. The amount of time allowed for code compliance varies based upon the type of violation and the time necessary for making repairs or corrections. Generally, 30 days are allowed for the correction of non-emergency violations. Emergency violations must be corrected within 24 hours.

The property will be reinspected to determine whether violations have been corrected.

**If Violations Remain Uncorrected** If violations are not corrected, various civil and criminal penalties, including substantial fines, can be imposed. The County also has the right to clean up a property and charge the property owner for costs incurred.

For additional information, visit the DHCA website at <http://hca.emontgomery.org>.

## DEPARTMENT OF PERMITTING SERVICES

DPS maintains a phone line for citizens to request investigations of suspected zoning violations and illegal construction activities (building without permits). The phone number is (240) 777-6259.

When you contact DPS, please provide the following information:

- ✓ Your name, address and phone number (not required; anonymous complaints are accepted).
- ✓ The exact address and/or location of the property where you have observed a possible code violation.

You may also submit this information in writing.

IF YOU WISH TO ENSURE YOUR NAME AND PERSONAL INFORMATION ARE KEPT CONFIDENTIAL, PLEASE CLEARLY STATE THIS REQUEST DURING YOUR TELEPHONE CALL TO DPS, OR IN YOUR WRITTEN COMPLAINT.

**What Occurs After Filing A Complaint?** Complaints are assigned to Zoning/Building Investigators/Inspectors who, if they find violations, instruct the violators to take corrective action. If a violation is not corrected within a reasonable time, various civil and criminal penalties, including substantial fines, can be imposed. The department keeps complainants' names confidential.

**Will The Results Of An Investigation Be Available?** The Investigator will inform you of important developments in the case and its final outcome.

**How Long Will the Investigation Take?** Normally, an investigation begins within one to three days from receipt of the complaint. Investigation time varies according to workload and/or complexity of the complaint.

For additional information, visit the DPS website at <http://permits.emontgomery.org>.